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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

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KEVIN T. MC CARNEY, dba POQUITO MAS Opposer,	) ) )	U.S. Patent & TMOfte/TM Mail PT Dt. #721 A REAR
v. UNA MAS, INC.	)	Opposition No. 107,026 Opposition No. 107,748 Opposition No. 107,748
Applicant.	) ) x	I hareby certify that this corresponds ce is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Trademarks, 2900 Crystal Drive, BOX TIMB -NOFE Arlington, VA 22202-3513, on 6-5-02
BOX TTAB- NO FEE Asst. Commissioner of Trademarks 2900 Crystal Drive Arlington, VA 22202-3513		Elaine (Reword) 6-5-02 Date of Signature

### OPPOSER'S SECOND NOTICE OF RELIANCE

In conformance with 37 C.F.R. 2.122, Opposer hereby indicates its intention to rely upon the following items in evidence in support of its claims in the Notice of Opposition in the above-identified Oppositions.

Attachment 1 - A copy of the Cover and page 494 of Webster's Ninth New Collegiate Dictionary, Copyrighted 1983 which includes the definition of the word "little."

Attachment 2 - A copy of the Cover and page 589 of Webster's Ninth New Collegiate Dictionary, Copyrighted 1983 which includes the definition of the word "one."

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Opposer hereby gives notice of its intent to rely upon this material in the above-identified Oppositions.

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Respectfully submitted,

VICKERS, DANIELS & YOUNG

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### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing OPPOSER'S SECOND NOTICE OF RELIANCE was served on Applicant, Una Mas, Inc., by first class mail, postage prepaid, to the attorneys for Applicant at the address below on the date indicated below:

David J. Brezner, Esq. Flehr, Hohbach, Test, Albritton & Herbert LLP 4 Embarcadero Center, Suite 3400 San Francisco, CA 94111-4187

Date: 6/5/02

ROBERT V. VICKERS

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literate
literael \"lit-9-rol, "li-trol\ adj [ME, fr. MF, fr. ML litteralis, fr. L, of a letter, fr. littera letter] 1 a: according with the letter of the scriptures b: adhering to fact or to the ordinary construction or primary meaning of a term or expression c: PLAIN, UNADORNED d: characterized by a concern mainly with facts: PROSAIC 2: of, relating to, or expressed in letters 3: reproduced word for word: EXACT, VERBATIM — lit-er-al-ly \"lit-or-(o-)le, "li-tro-le\ adv — lit-er-al-ness \"lit-o-ra-nos, "li-tro-\"n 1: adherence to the explicit substance of an idea or expression 2: fidelity to observable fact: REALISM — lit-er-al-ist \-lost\ n — lit-er-al-is-tic \, lit-o-ro-\"lis-tik, \, lit-o-\"adj lit-or-al-ity \, lit-o-ra-l-i\"li-tro-\"adj lit-er-al-ite\ n: the quality or state of being literal: LHTERALNESS lit-er-al-ize \"lit-or-o-\"liz-tic, "li-tro-\ vt: to make literal

niter:al:ize \large \large \large \text{ii-tro-\ } vt : to make literal liter:ar:i-iy \large \large \large \text{iit-o-'rer-o-l\u00e3\ } adv : in a literary manner liter:ar:i-ness \ \large \large \text{iit-o-,rer-\u00e3-n-s\ } n : the quality or state of being

literary \\lite-i, rer-\(\tilde{\chi}\)\ adj \(\lambda\) a : of, relating to, or having the characteristics of letters, humane learning, or literature \(\theta\): BOOK-ISH 2 c : of or relating to books \(\frac{2}{2}\) a: WELL-READ \(\theta\): of or relating to men of letters or writing as a profession \(\literat\): literate \(\theta\): literate, fr. Literatus marked with letters, literate, fr. litterae letters, literature, fr. pl. of \(\literat\): literat \(\theta\): at \(\theta\): versed in literature or creative writing: LITERARY \(\theta\): POLISHED, LUCID \(\theta\): literate-ly \(\theta\) adv \(\theta\): literate \(\theta\): literate \(\theta\): \(\thet

lithe ness n
lithe some \"līth-sem, 'līth-\ adj : LISSOME
lith-ia \"lith-\equiv n [NL, fr. Gk lithos] : lithium oxide Li<sub>2</sub>O obtained as a white crystalline substance
li.thi.a.sis \lith-'T-2-ses\ n [NL, fr. Gk, fr. lithos] : the formation of stony concretions in the body (as in the gall bladder)
lithia water n: a mineral water containing lithium salts
lith-ic \"lith-ik\ adj [Gk lithikos, fr. lithos] 1: of, relating to, or made of stone 2: of or relating to lithium — lith-i-cal-ly \-i-k(a-)ligh adv
-lith-ic \"lith-lk\ adj comb form [lithic]: relating to or characteristic of a (specified) stage in man's use of stone as a cultural tool (Neolithic)

Of a (Specific) stage in this state (Neolithic)

11th.1.um \"itih.8-om\ n [NL, ir, lithia]: a soft silver-white univalent element of the alkali metal group that is the lightest metal known and that is used esp. in nuclear reactions and metallurgy — see FI FMENT table

iitho.marge \lith-o.mary(n | 11111- + 1 marga mart) to succeed the compact common kaolin

iitho.phyte \lith-o.fit\ n [F, fr. lith- + -phyte] 1: an organism (as a coral) having a hard stony structure or skeleton 2: a plant that grows on rock — litho.phyt-ic \lith-o-fit-ik\ adj

litho.pone \lith-o.pon\ n [ISV lith--+fit-ik\ adj

litho.pone \lith-o.pon\ n [ISV lith-+ + Gk ponos work]: a white pigment consisting essentially of a precipitated zinc sulfide and barium sulfate which a print we to print by offset or photo-offset

litho-sol \'lith-2-,säl, -,sòl\ n [lith- + L solum soil]: an azonal shallow soil consisting of imperfectly weathered rock fragments litho-sphere \'lith-2-,si(2)r\ n [ISV]: the solid part of the earn li-thoto.my \lith-'at-2-me\ n [LL lithotomia, fr. Gk, fr. lithotomeis to perform a lithotomy, fr. lith- + tennein to cut — more at rough: surgical incision of the urinary bladder for removal of a stone: Lith-u.a-nian \,lith-(y)2-'wā-nē-2n, -ny2n\ n 1: a native or habitant of Lithuanian 2: the Baltic language of the Lithuanian people — Lithuanian adj
liti-i-ga-ble \'liti-i-ga-bel\ adj: capable of being litigated

habitant of Lithuanian 2; the Balle language of the Lithuanian people — Lithuanian adj

people — Lithuanian adj

liti-iga-lie \liti-jga-bol\ adj; capable of being litigated

liti-igant \liti-jgant\ n: one engaged in a lawsuit — litigant adj

liti-igant \liti-jgant\ n: one engaged in a lawsuit — litigant adj

liti-igant \liti-jgant\ n: one engaged in a lawsuit — litigant adj

liti-igant \liti-jgant\ n: litigatus, pp. of litigare, fr. lit-i, its lawsuit agere to drive — more at AGENT\ vi: to carry on a legal contest by judicial process ~ vr 1 archaic: DISPUTE 2: to contest in law — liti-iga-tion \liti-jga-shan\ n

liti-igious \liti-jga-tii-os, li-\ adj [ME, fr. MF litigieux, fr. L litigious, fr. litigiaum dispute, fr. litigare\ 1 a: DISPUTABLE b: Subject to b: subject to litigation 3: of, relating to, or marked by litigation — li-ti-gious-ly adv — li-ti-gious-ness n

litimus \litimas\ n lof Scand origin; akin to ON litmosi herbs used in dyeing, fr. litr color + mosi moss; akin to OHG antlizzi face, L vulrus, and to OE mos moss\ 1: a coloring matter from lichens that turns red in acid solutions and blue in alkaline solutions and is used as an acid-base indicator

turns red in acid solutions and blue in alkaline solutions and is used as an acid-base indicator

litmus paper n: unsized paper colored with litmus
litto-les \'It-2-\text{ie}z, 'lit-\ n, pl litotes [Gk litotes, fr. litos simple; akin to Gk leios smooth — more at Lime]: understatement in which an affirmative is expressed by the negative of the contrary (as in "not a bad singer")
litte \'It-2-\ var of Liter
litten \'lit-3-\ vaf of Liter
litten \'lit-3-\ n [ME, fr. Of littere, fr. lit bed, fr. L lectus — more at Lie] 1 a: a covered and curtained couch provided with shalu and used for carrying a single passenger b: a device (as a stretcher) for carrying a sick or injured person 2 a: material used as bedding for animals b: the uppermost slightly decayed layer of organic matter on the forest floor 3: the offspring at one birth of a multiparous animal 4: an untidy accumulation of objects lying about : RUBBISH — lit-tery \-2-te\ adj litter v 1: BED la 2: to give birth to (young) 3 a: to strew with scattered articles b: to scatter about in disorder ~ vi 1: to give birth to a litter 2: to strew litter litterae hu-ma-ni-o-res \'lit-2-ri-hib., man-ē-fo(a)r-,ās, -'o(a)r-\ n pl [ML, lit., more humane letters]: HUMANITIES
lit-ter-a-teur \,lit-2-r-hag\ n: one who litters a public area

public worship

li-tur.gi.ol.o.gist \-,tər.jē-'āl-ə-jəst\ n: LITURGIST 2

li-tur.gi.ol.o.gy \-'āi-ə-jē\ n: LITURGIST 2

li-tur.gist \-'lit-ər-jəst\ n 1: one who adheres to, compiles, or leads a litur.gy 2: a specialist in litur.gics

lit-ur.gy \-'lit-ər-jē\ n [LL litur.gia, fr. Gk leitour.gia, fr. (assume.g. in the sum of the su

living living also live able \\'liva-bəl\\ adj 1 : suitability living in of with 2 : Endurable — living eness n

live \'\'liv\\ vb [ME liven, fr. OE libban; akin to OHG lebēn to live, I caelebs unmarried] vi 1: to be alive: have the life of an animal of plant 2: to continue alive 3: to maintain oneself: subsistic plant 2: to conduct or pass one's life (lived up to his principles) 4: to conduct or pass one's life (lived up to his principles) 6: DWELL, RESIDE 6: to attain eternal life 7: to remain in human memory or record 8: to have a life rich in experience 9: CO HABIT ~ vi 1: to pass through or spend the duration of 2: EN ACT, PRACTICE 3: to exhibit vigor, gusto, or enthusiasm in 2live \'liv\ adj [short for alive] 1: having life: LIVING 2: abounding with life: vivid 3: exerting force or containing energy.

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A Mevilam-Wekster

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om.i.cron \'am-o-kran, Brit \(\bar{o}\)-'mī-kran\ n [Gk \(o\) mikron, lit., small \(o\)! the [5th letter of the Greek alphabet — symbol O or \(o\) om.i.nous\'am-o-nos\ adj\'; being or exhibiting an omen : PORTENTOUS; \(ext{esp}\): foreboding or foreshowing evil : INAUSPICIOUS — om-i.nous.yp \(o\) adv — om.i.nous.ness \(n\)

syn PORTENTOUS, FATEFUL: OMINOUS implies having a menacing, alarming character foreshadowing evil or disaster; PORTENTOUS suggests being frighteningly big or impressive but now seldom definitely connotes forewarning of calamity: FATEFUL suggests being of momentous or decisive importance omis.sible \(\dis\)-'mis-o-bol\(\dod)\(\dot\) adj\(\dot\): that may be omitted omis.sion\(\dot\)-'mish-on, \(\dot\)-\(n\) no \(\dot\) mistoun, \(\dot\). \(\dot\) [ME \(\dot\) omission, \(\dot\) of \(\dot\) omission, \(\dot\) of \(\dot\) omission, \(\dot\) of \(\dot\) omittere\) \(1\) a : apathy toward or neglect of duty\(\dot\) is something neglected or left undone\(2\): the act of \(\dot\) omitsive\(\dot\)-'mis-iv\(\dot\) adj\(:\dot\) falling or neglecting to do\(:\dot\) omitting\(-\dot\) omitsive\(\dot\)-'mis-iv\(\dot\) adj\(:\dot\) falling or neglecting to do\(:\dot\) omitting\(-\dot\). \(\dot\) omit\(-\dot\) omit\(-\dot\). \(\dot\) omit\(-\dot\) omit\(-\dot\). \(\dot\) omit\(-\dot\) omit\(-\dot\) omit\(-\dot\).

omit \of-\mit, a-\ vi omit-ted; omit-ting [ME omitten, fr. L omittere, fr. ob- toward + mittere to let go, send — more at OB-, SMITE] 1: to leave out or leave unmentioned 2: to fail to perform or make use of: FORBEAR 3 obs: DISREGARD 4 obs: to give up syn see NEGLECT

om.ma.tid.i.al \am-a-'tid-e-al\ adj : of, relating to, or having

ommatidia
om.matidiaium \-\earticle{\varphi}-\earticle{\varphi}\n, pl om.ma-tid.ia \-\earticle{\varphi}-\earticle{\varphi}\n, pl om.ma-tid.ia \-\earticle{\varphi}-\earticle{\varphi}\n, pl om.mat. id.ia \-\earticle{\varphi}-\earticle{\varphi}\n, pl om.mat. id.ia \-\earticle{\varphi}-\earticle{\varphi}\n, pl om.mat. id.ia \-\earticle{\varphi}\n, pl om.matid. id. pl. of omnis all]
1: a usu. automotive public vehicle designed to carry a comparatively large number of passengers: BUS 2: a book containing reprints of a number of works
tomnibus adj: of, relating to, or providing for many things or classes at once \(\varphi a \to \varphi \) of, relating to, or providing for many things or classes at once \(\varphi a \to \varphi \) oil \(\varphi \) of \(\varphi \) of \(\varphi \) oil \(\

om-ni-pres-enc \, am-ni-'prez-an(t)s\ n: the quality or state of being omnipresent: UBIQUITY
om-ni-pres-ent \-ant\ adj [ML omnipraesent-, omnipraesens, fr. L omnis + praesent-, praesens present]: present in all places at all times

omnis + praesent-, praesens present]; present in all places at all times

Syn OMNIPRESENT, UBIQUITOUS mean present or existent everywhere. OMNIPRESENT in its strict sense is a divine attribute equivalent to immanent; more commonly it implies never being absent (poverty is omnipresent) UBIQUITOUS implies being so active or so numerous as to seem to be found everywhere (ubiquitous toutist) omnirange \mam.ni.,ranj\nam.ni. n [L omnis + E range]: a system of radio navigation in which any bearing relative to a special radio transmitter on the ground may be chosen and flown by an airplane pilot — called also omnidirectional range

Om.ni.science \mam.nish.an(t)s\n [ML omniscientia fr. L omnis + steinia science]: the quality or state of being omniscient

Om.ni.scient \-nnt\ adj [NL omniscient., omniscients, back-formalion fr. ML omniscientia] 1: having infinite awareness, understanding, and insight 2: possessed of universal or complete knowledge — om.ni.scient.ly adv

Om.ni.ulin-gath.er.um \mam.ne.om.gath.o-rom\n [L omnium (gen. pl. of omnis) + E gather + L -um, noun ending ! a miscellaneous collection of a variety of things or persons: Hodge-Om.niv.o.va \mam.niv.o.va \mam.niv.o.va

em.niv.o.ra \am-'niv-o-ro\ n pl [NL, fr. L, neut. pl. of omnivorus]

: omnivorous animals
om.ni.vore \ameni.vo(a)r, -,vo(a)r\n [NL omnivora]: one that is

om.ni.vore \ am.ni.vo(a)r, -vo(a)r\ n [NL omnivora]: one that is omnivorous
om.nivo.rous \ am.ni.vo(a)r, -vo(a)r\ n [NL omnivora]: one that is omnivorous
om.niv.o.rous \ am.ni.vo(a)r, -vo(a)r\ n [NL omnivora]: one that is omnivorous
om.niv.o.rous \ am.ni.vo(a)rous \ am.niv.o.rous.ness n
on \ niv.o.rous.ly \ adv - om.niv.o.rous.ness n
on \ (')\overline{a}n\ on.o.prep [ME \ an. on. prep. & adv., fr. OE; akin to OHG \ ana \ on. Gk \ ana \ up. on] \ 1 \ a (1): over and in contact with (the book is \simeter the table) (2): in contact or juxtaposition with (a fly \simeter the ceiling) (3) - used as a function word to indicate a means of conveyance (left \simeter the early train) (4) - used as a function word to indicate a part (as of the body) that supports and is in contact with something underneath (stand \simeter one foot) (5): in the direction or area of (\simeter the right) \ b (1): to a position over and in contact with (jumped \simeter the horse) (2): into contact with (put the didicate the object of actual or implied action directed against or loward the object of actual or implied action directed against or loward the object of actual or implied action directed against or loward the object of actual or implied action directed against or loward the object of actual or implied action directed against or loward the object of actual or implied action directed against or loward the object (crept up \simeter him) (smiled \simeter her) \ b: to the disadvantage of (have some evidence \simeter him) 3 - used as a function word to indicate the basis or source (as of an action, the dollar) 4 a: with regard or respect to: About (agreed \simeter a price) (a monopoly \simeter wheat) (a satire \simeter society) \begin{align\*} b \ archaic: of \simeter a committee) \simeter \simeter \simeter \simeter a perior \simeter \sim

partial to or succession in a series (loss ~ 1085)

and 'on, 'an' adv 1 a: in or into a position of contact with an oper surface (put the plates ~) b: in or into a position of being attached to or covering a surface (has new shoes ~) 2 a: forward

in space, time, or action: ONWARD (went ~ home) b: in continuance or succession (and so ~) 3: into operation or a position permitting operation (turn the light ~)

3011 \'on, 'an\ adj 1: engaged in an activity or function (as a dramatic role) 2 a (1): OPERATING (the radio is ~) (2): placed so as to permit operation (the switch is ~) b: taking place (the game is ~) 3: PLANNED (has nothing ~ for tonight)

1-01 \, an, on\ n suffix [ISV. alter. of -one]: chemical compound not a ketone or other oxo compound (parathion)

2-01 \, an\ n suffix [fr. -on (in ion)] 1: elementary particle (nucleon) 2: unit: quantum (photon)

3-01 \, an\ n suffix [NL, fr. -on (in argon)]: inert gas (radon)

01-a-ger \'an-i-jor\ n [ME, wild ass, fr. L, fr. Gk onagros, fr. onos ass + agros field — more at acrel 1: a small pale-colored kiang with a broad dorsal stripe 2 [LL, fr. L]: an ancient and medieval heavy catapult

heavy catapult onan-ism \'\"o-no-niz-om\ n [prob. fr. NL onanismus, fr. Onan, son of Judah (Gen 38:9)] 1: uncompleted coitus 2: MASTURBATION — onan-is-tic \(\lambda\_i - no-inis-tik \rangle adj\)

nonce \(\frac{1}{2}\) adv [ME ones, fr. gen. of on one] 1: one time and no more 2: at any one time: under any circumstances: EVER 3: at some indefinite time in the past: FORMERLY 4: by one de-

gree of relationship 20nce adj: that once was : FORMER

30nce n: one single time: one time at least — at once 1: at the same time: SINULTANEOUSLY 2: IMMEDIATELY
40nce also once that conj: when once: if once: at the moment

when: as soon as

2: RISING, EMERGENT

10ne \'won, won\ adj [ME on. fr. OE \(\bar{o}n\); akin to OHG \(\elline{o}n\) ein one, L

unus (OL oinos). Skt \(\elline{c}ka\)] 1: being a single unit or thing \(\sigma\) man is

going \(\sigma\) - see NUMBER table 2 a: being one in particular \((\elline{c}n\)) ein person\)

3 a: being the same in kind or quality \(\elline{c}n\) to f \(\sigma\) race\) b(1): constituting a unified entity of two or more components \((\elline{c}n\)) the combined elements form \(\sigma\) substance\) (2): UNITED 4: existing or occurring as something not definitely fixed or placed \((\elline{c}n\)) is eye you again \(\sigma\) day\)

5: being the only individual of an indicated or implied kind \((\elline{c}n\)) eperson she wanted to marry\)

20ne \(\rho n\) 1: a certain indefinitely indicated person or thing \((\sigma\)\) of his classmates\) 2: any individual of a vaguely indicated group \((\sigma\)\) wouldn't like to see that happen\(\sigma\) — sometimes used as a 3d-person substitute for a pronoun of the first person \((\sigma\)\ expresses you will come\)

30ne \((\sigma\)\(\sigma\)\(\nabla\) n 1: the number denoting unity 2: the first in a set

30ne \won\ n 1: the number denoting unity 2: the first in a set or series (wears a ~) 3: a single person or thing (by ~s and twos) 4: a one-dollar bill

one another pron: EACH OTHER

one-base hit \,wən-,bās-\ n: a base hit that enables a batter to reach first base safely — called also one-bag-ger \'wən-'bag-ər\

reach first base safely — called also one-bag-ger \wan-'bag-or\
one-egg \wan-eg. -āg\ adj: monovular
one-horse \wan-,bas\ adj: monovular
one-horse \wan-,hors\ adj: drawn or operated by one horse
2: small in scope or importance \( \sim \text{town} \)
Onei-da \\ \oldown-ind-\gamma\ n. pi \ Oneida or \ Oneidas \ [roquois \ Onēybde', \
ilt., standing rock]: 1 a: an Iroquolan people orig. living near \
Onei-da \\ lake in \text{New York} \\ b: a member of this people 2: the \
language of the Oneida people \\
onei-ric \\ \oldown-ind-\gamma\ n. \\
or -ind-\gamma\ adj \[Gk \\ oneiros \\ dramma\ amurj \\
dream]: of or relating to dreams: \text{DREAMY} \\
onei-ro-crit-i-cal \\ \oldown-ind-\oldown-ind-ki-ki-kal \\ adj \[Gk \\ oneiros \text{Firli-ksl} \\ adj \[Gk \\ oneiros \text{Firli-to-cal-ly} \\ \dots \dots \\ \do

onei-ro-man-cy \oldots-'nī-rə-,man(t)-se\ n [Gk oneiros + E -mancy] divination by means of dreams

one-stated-ness n
one-step \'wan-, step\ n 1: a ballroom dance marked by quick
walking steps backward and forward in 34 time 2: music used for
the one-step - one-step vi
one-time \-, tim\ adj: Former, sometime

20netime adv : FORMERLY

abut; • kitten; er further; a back; ā bake; ā cot, cart; loke; ŋ sing; ō flow; o flaw; oi coin; th thin; th this; ch chin; e less; ē easy; g gift; i trip; I life ú foot; y yet; yti few; yú furious; zh vision ti loot;